Exhibit E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MARK T. EDDINGSTON,	§	
JEFFERY M, DAVIS,	§	
ELRIDGE NICHOLAS BOLLICH,	§	
GEORGE GALANIS and RAY A. COX,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 2:12-CV-00606
	§	
UBS FINANCIAL SERVICES INC.	§	
	§	
Defendant.	§	

DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT UBS FINANCIAL SERVICES INC.

Defendant, UBS FINANCIAL SERVICES INC. ("defendant" or "UBS"), by its attorneys and in response to plaintiffs' First Request for Production of Documents to Defendant UBS Financial Services Inc. served by plaintiffs, states as follows:

GENERAL OBJECTIONS

The following General Objections apply to each of plaintiffs' First Request for Production of Documents to Defendant UBS Financial Services Inc. (the "Document Requests") and are expressly incorporated by reference as part of the responses to each of the Document Requests. Defendant's responses to the Document Requests are subject to and do not waive the following General Objections, regardless of whether a General Objection or specific objection is stated in the response.

1. The responses made herein to the Document Requests and the production of documents in response thereto in no way waive defendant's objections to admissibility of any responsive document.

2. Defendant objects to the Document Requests on the grounds that they are premature in light of the Court's instructions issued from the bench during the hearing held on February 4, 2013. More specifically, the Court specifically anticipated that plaintiffs would have no need to undertake discovery until after the filing of both plaintiffs' motion for class certification on March 6, 2013, and defendant's response to the motion for class certification on April 5, 2013. *See* Transcript of Proceedings held February 4, 2013 at 81:11-22, and Dkt. No. 47 (Docket Control Order).

3. Defendant objects generally to the Document Requests to the extent they seek information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint).

4. Defendant objects to the Definitions and Instructions stated in the Document Requests to the extent they purport to impose obligations on defendant greater than or inconsistent with those required by the Federal Rules of Civil Procedure and/or the Local Rules of this Court.

5. Defendant objects to the Document Requests to the extent that they seek: attorney work product; information or communications protected by the attorney-client privilege or any other applicable rule of privilege, confidentiality, or immunity provided by law; trial preparation materials; identification or production of documents prepared in anticipation of litigation and/or after the commencement of this litigation; and/or documents beyond the scope of the Federal Rules of Civil Procedure. Any response to any Document Request, or a part thereof, is not intended to be and shall not be deemed a waiver of the attorney-client privilege,

the work product rule, or any other applicable privilege. Defendant reserves the right to demand and obtain the return of any such inadvertently produced documents and all copies thereof.

6. Defendant objects to the Document Requests to the extent they seek documents that contain confidential, financial, trade secret, proprietary, or sensitive business or personal information, or documents protected from disclosure by law or any agreement or court order with respect to confidentiality or nondisclosure.

7. Defendant objects to the production of responsive confidential proprietary business information, and confidential personal information prior to the entry of a mutually-agreed upon protective order.

8. Defendant objects generally to the Document Requests to the extent that the identified topics are vague and ambiguous, overly broad, unduly burdensome, oppressive and harassing and insofar as the identified topics seek information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

9. Defendant objects to the Document Requests to the extent the information sought is unreasonably cumulative or duplicative.

10. Defendant objects to the Document Requests to the extent they call for the production of documents or information that defendant is prohibited from disclosing by contract, agreement, order, statute, rule, regulation, or law.

11. Defendant objects to the Document Requests concerning information and documents sought that are not within the possession, custody, or control of defendant.

12. Defendant objects to the Document Requests to the extent that they seek information that has already been provided to plaintiffs or seek information that is equally

available to plaintiffs and defendant, including but not limited to material that is publicly available.

13. Defendant objects to the Document Requests to the extent they assume disputed facts or legal conclusions in defining the documents requested or information sought. Defendant hereby denies any such disputed facts or legal conclusions. Any documents or information provided by defendant with respect to any such request is without prejudice to this objection and defendant does not, by responding to any request, adopt or agree with such disputed facts or legal conclusions.

14. Defendant objects to the production of e-mails or other electronically stored information ("ESI") until the parties agree upon the procedures, including cost allocation, for searching and producing any such ESI.

15. Defendant responds to the Document Requests based upon information presently available to them that they have been able to identify through reasonable efforts. In responding to these Document Requests, defendant reserves and does not waive their right to present or rely upon subsequently developed legal theories or additional information later discovered or obtained, or inadvertently omitted at this time. Defendant expressly reserves the right to supplement and/or amend their responses and objections to the Document Requests as may be appropriate in light of additional information and/or documents obtained or reviewed in connection with their continuing investigation of this case, and to use such information or documents in any hearing or proceeding.

16. The responses made herein to the Document Requests and defendant's production of documents in response thereto in no way waive:

a. Defendant's objections to competency, relevance, materiality, privilege or admissibility of the responses or documents or the subject matter thereof;

b. Defendant's objections to the use of such responses or documents, or to the subject matter thereof, in any proceeding, including the trial of this or any other action; or

17. Defendant's objections to any other document or discovery requests.

18. Defendant incorporates these objections by reference into each and every response below to the extent applicable.

RESERVATIONS

The objections and responses set forth by defendant are without prejudice to defendant's right to assert additional grounds for objection, or otherwise amend its objections, should defendant discover additional grounds for objections. Defendant has identified certain General Objections in its responses to individual Document Requests, but does not waive General Objections not so identified.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All documents evidencing the number of financial advisers of Defendant who were separated from employment with Defendant between December 31, 2005 and December 31, 2011 and subsequently suffered a forfeiture of any firm contributions, market interest or turbo interest accrued for such individual's benefit under Defendant's PartnerPlus Plan for Financial Advisors.

RESPONSE:

Defendant objects to Request for Production No. 1 to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents" evidencing "separat[ions] of employment" for financial advisors as described. Defendant also objects to the Request on the grounds that it is vague with respect to the phrase "documents evidencing the number of financial advisors who were separated from employment."

Since discovery at this time is by Court order limited to issues pertaining to plaintiffs' pending motion for class certification, defendant objects to this Request as unnecessarily burdensome as defendant has stipulated that the putative class satisfies the numerosity requirement of Fed. R. Civ. Proc. 23. Finally, defendant objects to this Request as the information sought may be obtained in a less burdensome manner.

Subject to and without waiving the foregoing objections, defendant will provide plaintiffs with information as to the number of financial advisors who were separated from employment with defendant between August 3, 2008 and December 31, 2010, and who forfeited firm contributions, market interest and turbo interest under the PartnerPlus Plan for Financial Advisors.

REQUEST FOR PRODUCTION NO. 2: All documents evidencing the amounts of any forfeitures referred to in Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 2 to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents evidencing" the "forfeitures" described. Since discovery at this time is by Court order limited to issues pertaining to plaintiffs' pending motion for class certification, defendant objects to this Request as unnecessarily burdensome as the amount of forfeitures is not relevant and would not lead to the discovery of information that would be relevant to any issue under Fed. R. Civ. Proc. 23. Finally, defendant objects to this Request as the information sought may be obtained in a less burdensome manner.

Subject to and without waiving the foregoing objections, defendant will provide plaintiffs with information regarding the amount of the forfeitures referred to in Request No. 1.

REQUEST FOR PRODUCTION NO. 3: All documents relating to procedures used by Defendant to address the disposition of accruals for the benefit of individuals referred to in Request for Production No. 1 of firm contributions, market interest and turbo interest under its PartnerPlus Plan for Financial Advisors during the period referred to in the Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 3 to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to" the "procedures" described. Defendant also objects to the Request on the grounds that it is vague with respect to the phrase "relating to procedures… to address the disposition of accruals for the benefit of individuals[.]" Subject to and without waiving the foregoing objections, see documents produced herewith at UBS00000001-UBS00000321.

REQUEST FOR PRODUCTION NO. 4: All documents relating to procedures used by Defendant to determine whether to forfeit firm contributions, market interest and turbo interest under its PartnerPlus Plan for Financial Advisors accrued for individuals referred to in Request for Production No. 1 under its PartnerPlus Plan for Financial Advisors during the period referred to in Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 4 to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to" the procedures described. Subject to and without waiving the foregoing objections, see documents produced herewith at UBS00000001-UBS00000321.

REQUEST FOR PRODUCTION NO. 5: All documents relating to any contention by Defendant that the PartnerPlus Plan for Financial Advisors is not subject to the Employee Retirement Income Security Act or to its, minimum vesting, anti-forfeiture and separate funding provision.

RESPONSE:

Defendant objects to Request for Production No. 5 on the grounds that it is premature, as such contention discovery is inappropriate at this early stage of discovery. Defendant also objects to the Request to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request to the extent it seeks information or communications protected by the attorney-client or attorney work product privilege. Defendant also objects to the Request on the grounds that it is overly broad, unduly burdensome and vague with respect to the phrase "relating to any contention."

REQUEST FOR PRODUCTION NO. 6: All documents relating to any objection by Defendant to class certification of this action based on lack of numerousity [sic], commonality of issues of fact or law, typicality or adequate representation by any Plaintiff or Plaintiffs' counsel.

RESPONSE:

Defendant objects to Request for Production No. 6 to the extent it seeks information beyond the time frame of August 3, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request to the extent it seeks information or communications protected by the attorney-client or attorney work product privilege. Defendant also objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to any objection" defendant may raise to class certification. Defendant further objects that this Request is premature and that defendant's response to this Request will be determined in large measure based on the discovery that defendant obtains from plaintiffs. Answering further, defendant does not dispute numerosity.

March 19, 2013

UBS Financial Services Inc.

By: /s/ Andrew Scroggins

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ddavidson@MorganLewis.com
ascroggins@MorganLewis.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Andrew Scroggins, hereby certify that on March 19, 2013, Defendant's Objections and Responses to Plaintiffs' First Requests for Production of Documents to Defendant UBS Financial Services Inc. were served via e-mail and U.S. mail by serving the following:

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s/ Andrew Scroggins
Andrew Scroggins

DB1/ 73285837.1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BILL HENDRICKS and	§	
AUBREY B. STACY,	§	
	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO. 2:12-CV-00606
v.	§	
	§	
UBS FINANCIAL SERVICES INC.	§	
	§	
Defendant.	§	

DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT UBS FINANCIAL SERVICES INC.

Defendant, UBS FINANCIAL SERVICES INC. ("defendant" or "UBS"), by its attorneys and in response to plaintiffs' First Request for Production of Documents to Defendant UBS Financial Services Inc. served by plaintiffs, states as follows:

GENERAL OBJECTIONS

The following General Objections apply to each of plaintiffs' First Request for Production of Documents to Defendant UBS Financial Services Inc. (the "Document Requests") and are expressly incorporated by reference as part of the responses to each of the Document Requests. Defendant's responses to the Document Requests are subject to and do not waive the following General Objections, regardless of whether a General Objection or specific objection is stated in the response.

1. The responses made herein to the Document Requests and the production of documents in response thereto in no way waive defendant's objections to admissibility of any responsive document.

2. Defendant objects to the Document Requests on the grounds that they are premature in light of the Court's instructions issued from the bench during the hearing held on February 4, 2013. More specifically, the Court specifically anticipated that plaintiffs would have no need to undertake discovery until after the filing of both plaintiffs' motion for class certification on March 6, 2013, and defendant's response to the motion for class certification on April 5, 2013. *See* Transcript of Proceedings held February 4, 2013 at 81:11-22, and Dkt. No. 47 (Docket Control Order).

3. Defendant objects generally to the Document Requests to the extent they seek information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint).

4. Defendant objects to the Definitions and Instructions stated in the Document Requests to the extent they purport to impose obligations on defendant greater than or inconsistent with those required by the Federal Rules of Civil Procedure and/or the Local Rules of this Court.

5. Defendant objects to the Document Requests to the extent that they seek: attorney work product; information or communications protected by the attorney-client privilege or any other applicable rule of privilege, confidentiality, or immunity provided by law; trial preparation materials; identification or production of documents prepared in anticipation of litigation and/or after the commencement of this litigation; and/or documents beyond the scope of the Federal Rules of Civil Procedure. Any response to any Document Request, or a part thereof, is not intended to be and shall not be deemed a waiver of the attorney-client privilege,

the work product rule, or any other applicable privilege. Defendant reserves the right to demand and obtain the return of any such inadvertently produced documents and all copies thereof.

6. Defendant objects to the Document Requests to the extent they seek documents that contain confidential, financial, trade secret, proprietary, or sensitive business or personal information, or documents protected from disclosure by law or any agreement or court order with respect to confidentiality or nondisclosure.

7. Defendant objects to the production of responsive confidential proprietary business information, and confidential personal information prior to the entry of a mutually-agreed upon protective order.

8. Defendant objects generally to the Document Requests to the extent that the identified topics are vague and ambiguous, overly broad, unduly burdensome, oppressive and harassing and insofar as the identified topics seek information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

9. Defendant objects to the Document Requests to the extent the information sought is unreasonably cumulative or duplicative.

10. Defendant objects to the Document Requests to the extent they call for the production of documents or information that defendant is prohibited from disclosing by contract, agreement, order, statute, rule, regulation, or law.

11. Defendant objects to the Document Requests concerning information and documents sought that are not within the possession, custody, or control of defendant.

12. Defendant objects to the Document Requests to the extent that they seek information that has already been provided to plaintiffs or seek information that is equally

available to plaintiffs and defendant, including but not limited to material that is publicly available.

13. Defendant objects to the Document Requests to the extent they assume disputed facts or legal conclusions in defining the documents requested or information sought. Defendant hereby denies any such disputed facts or legal conclusions. Any documents or information provided by defendant with respect to any such request is without prejudice to this objection and defendant does not, by responding to any request, adopt or agree with such disputed facts or legal conclusions.

14. Defendant objects to the production of e-mails or other electronically stored information ("ESI") until the parties agree upon the procedures, including cost allocation, for searching and producing any such ESI.

15. Defendant responds to the Document Requests based upon information presently available to them that they have been able to identify through reasonable efforts. In responding to these Document Requests, defendant reserves and does not waive their right to present or rely upon subsequently developed legal theories or additional information later discovered or obtained, or inadvertently omitted at this time. Defendant expressly reserves the right to supplement and/or amend their responses and objections to the Document Requests as may be appropriate in light of additional information and/or documents obtained or reviewed in connection with their continuing investigation of this case, and to use such information or documents in any hearing or proceeding.

16. The responses made herein to the Document Requests and defendant's production of documents in response thereto in no way waive:

a. Defendant's objections to competency, relevance, materiality, privilege or admissibility of the responses or documents or the subject matter thereof;

b. Defendant's objections to the use of such responses or documents, or to the subject matter thereof, in any proceeding, including the trial of this or any other action; or

17. Defendant's objections to any other document or discovery requests.

18. Defendant incorporates these objections by reference into each and every response below to the extent applicable.

RESERVATIONS

The objections and responses set forth by defendant are without prejudice to defendant's right to assert additional grounds for objection, or otherwise amend its objections, should defendant discover additional grounds for objections. Defendant has identified certain General Objections in its responses to individual Document Requests, but does not waive General Objections not so identified.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All documents evidencing the number of branch managers of Defendant who were separated from employment with Defendant between December 31, 2005 and December 31, 2011 and subsequently suffered a forfeiture of any firm contributions, market interest or turbo interest accrued for such individual's benefit under Defendant's PartnerPlus Plan for Branch Managers.

RESPONSE:

Defendant objects to Request for Production No. 1 to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents" evidencing "separat[ions] of employment" for branch managers as described. Defendant also objects to the Request on the grounds that it is vague with respect to the phrase "documents evidencing the number of branch managers of Defendant who were separated from employment." Since discovery at this time is by Court order limited to issues pertaining to plaintiffs' pending motion for class certification, defendant objects to this Request as unnecessarily burdensome as defendant has stipulated that the putative class satisfies the numerosity requirement of Fed. R. Civ. Proc. 23. Finally, defendant objects to this Request as the information sought may be obtained in a less burdensome manner.

Subject to and without waiving the foregoing objections, defendant will provide plaintiffs with information as to the number of Branch Managers who were separated from employment with defendant between September 19, 2008 and December 31, 2010, and who forfeited firm contributions, market interest and turbo interest under the PartnerPlus Plan for Branch Managers.

REQUEST FOR PRODUCTION NO. 2: All documents evidencing the amounts of any forfeitures referred to in Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 2 to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents evidencing" the "forfeitures" described." Since discovery at this time is by Court order limited to issues pertaining to plaintiffs' pending motion for class certification, defendant objects to this Request as unnecessarily burdensome as the amount of forfeitures is not relevant and would not lead to the discovery of information that would be relevant to any issue under Fed. R. Civ. Proc. 23. Finally, defendant objects to this Request as the information sought may be obtained in a less burdensome manner.

Subject to and without waiving the foregoing objections, defendant will provide plaintiffs with information regarding the amount of the forfeitures referred to in Request No. 1.

REQUEST FOR PRODUCTION NO. 3: All documents relating to procedures used by Defendant to address the disposition of accruals for the benefit of individuals referred to in Request for Production No. 1 of firm contributions, market interest and turbo interest under its PartnerPlus Plan for Branch Managers during the period referred to in the Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 3 to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to" the "procedures" described. Defendant also objects to the Request on the grounds that it is vague with respect to the phrase "relating to procedures… to address the disposition of accruals for the benefit of individuals[.]" Subject to and without waiving the foregoing objections, see documents produced herewith at UBS00000001-UBS00000321.

REQUEST FOR PRODUCTION NO. 4: All documents relating to procedures used by Defendant to determine whether to forfeit firm contributions, market interest and turbo interest under its PartnerPlus Plan for Branch Managers accrued for individuals referred to in Request for Production No. 1 under its PartnerPlus Plan for Branch Managers during the period referred to in Request for Production No. 1.

RESPONSE:

Defendant objects to Request for Production No. 4 to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to" the procedures described.

Subject to and without waiving the foregoing objections, see documents produced herewith at UBS00000001-UBS00000321.

REQUEST FOR PRODUCTION NO. 5: All documents relating to any contention by Defendant that the PartnerPlus Plan for Branch Managers is not subject to the Employee Retirement Income Security Act or to its, minimum vesting, anti-forfeiture and separate funding provision.

RESPONSE:

Defendant objects to Request for Production No. 5 on the grounds that it is premature, as such contention discovery is inappropriate at this early stage of discovery. Defendant also objects to the Request to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request to the extent it seeks information or communications protected by the attorney-client or attorney work product privilege. Defendant also objects to the Request on the grounds that it is overly broad, unduly burdensome and vague with respect to the phrase "relating to any contention."

REQUEST FOR PRODUCTION NO. 6: All documents relating to any objection by Defendant to class certification of this action based on lack of numerousity [sic], commonality of issues of fact or law, typicality or adequate representation by any Plaintiff or Plaintiffs' counsel.

RESPONSE:

Defendant objects to Request for Production No. 6 to the extent it seeks information beyond the time frame of September 19, 2008 (four years before plaintiffs filed their original Complaint) through December 31, 2010 (the last date of the alleged class period pled in the Amended Complaint). Defendant further objects to the Request to the extent it seeks information or communications protected by the attorney-client or attorney work product privilege. Defendant also objects to the Request on the grounds that it is overly broad and unduly burdensome insofar as it seeks "all documents relating to any objection" defendant may raise to class certification. Defendant further objects that this request is premature and that defendant's response to this Request will be determined in large measure based on the discovery that defendant obtains from plaintiffs. Answering further, defendant does not dispute numerosity.

March 19, 2013

UBS Financial Services Inc.

By: /s/ Andrew Scroggins

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Andrew Scroggins, hereby certify that on March 19, 2013, Defendant's Objections and Responses to Plaintiffs' First Requests for Production of Documents to Defendant UBS Financial Services Inc. were served via e-mail and U.S. mail by serving the following:

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